

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Filip Woroniecki	Team: Squad #7	CCRB Case #: 201607855	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/08/2016 3:41 AM	Location of Incident: East Gun Hill Road and White Plains Road	Precinct: 47	18 Mo. SOL 3/8/2018	EO SOL 3/8/2018	
Date/Time CV Reported Thu, 09/08/2016 11:17 PM	CV Reported At: Mayor's Office	How CV Reported: E-mail	Date/Time Received at CCRB Tue, 09/13/2016 10:29 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Ahmd Ayoubi	09167	957344	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Chanell Joseph	18755	958732	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ahmd Ayoubi	Abuse: Police Officer Ahmd Ayoubi stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	[REDACTED]

Case Summary

On September 8, 2016, § 87(2)(b) filed this complaint via email with the New York City Mayor's Office. On September 8, 2016, at approximately 3:41 a.m., § 87(2)(b) and friend, § 87(2)(b) were driving north on White Plains Road when they stopped at the intersection of East Gun Hill Road in the Bronx. While at the red light, Police Officer Ahmd Ayoubi stopped § 87(2)(b)'s vehicle and approached it together with PO Chanell Joseph (**Allegation A**).

PO Ayoubi approached the driver's side of § 87(2)(b)'s vehicle while PO Joseph approached the passenger's side. PO Ayoubi requested § 87(2)(b)'s driver's license and performed a warrant check using § 87(2)(b)'s information. PO Ayoubi returned the driver's license to § 87(2)(b) and told him that he was free to leave. § 87(2)(b) was not arrested or issued any summonses during this incident.

§ 87(2)(b) believed that, due to the noticeable Jamaican and Rastafarian stickers on his vehicle, as well as his physical appearance, the officers' motivation for the stop was racial. § 87(2)(b)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined mediation.
- A Notice of Claim inquiry requested from the Comptroller's Office yielded negative results (Board Review 01).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- Neither § 87(2)(b) nor § 87(2)(b) have prior CCRB complaints (Board Review 04 and 05).
- PO Ayoubi has been a member of the NYPD for one year and has no prior CCRB complaints (Board Review 06).

Potential Issues

- PO Joseph stated that paperwork pertaining to a Grand Larceny Auto (GLA) Enforcement and Taxi/Livery Safety Check was prepared for the stop of § 87(2)(b)'s vehicle. The GLA Enforcement Sheet and Taxi/Livery Safety Check Sheet were requested from 47th Precinct. However, the request came back negative, as the 47th Precinct Commanding Officer noted that there was no record of this document being filed within the precinct (Board Review 08).

Findings and Recommendations

Identification of Subject Officer

According to PO Joseph, PO Ayoubi observed the violation that resulted in the stop of § 87(2)(b) and § 87(2)(b)'s vehicle, and she did not observe the infraction firsthand. Both § 87(2)(b) and § 87(2)(b) denied seeing PO Joseph during the stop (she was reportedly standing near the rear of the vehicle), further demonstrating that she played virtually no role in

the stop. § 87(2)(g)

Allegation A – Abuse of Authority: Police Officer Ahmd Ayoubi stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) provided a phone statement on September 19, 2016, and provided a verified phone statement on September 23, 2016. § 87(2)(g). During his phone interview, § 87(2)(b) stated that his vehicle was stopped by PO Ayoubi while he was waiting at a red light. He stated that his vehicle had a valid inspection sticker, was registered, insured and had no mechanical problems. § 87(2)(b) maintained he did not do anything that would have attracted PO Ayoubi's attention or would warrant the stop of his vehicle. § 87(2)(b) did not make any furtive movements inside of the car. PO Ayoubi told § 87(2)(b) that he was conducting license checks. Moreover, § 87(2)(b) did not observe any other stopped vehicles, roadblocks, or posted signs indicative of a routine checkpoint (Board Review 09).

§ 87(2)(b) provided a phone statement on September 26, 2016, and a sworn statement on October 13, 2016. § 87(2)(g)

§ 87(2)(b) stated that PO Ayoubi approached § 87(2)(b)'s car while it was stopped at a red light and told him that he was "checking driver's licenses." § 87(2)(b) also mentioned that PO Ayoubi told § 87(2)(b) that he "fit a certain description" and that he was "stopping everybody." However, § 87(2)(b) did not see any other vehicles being pulled over. § 87(2)(b) did not commit any traffic infractions prior to being stopped. He also did not switch lanes, or make any alarming movements inside of the vehicle, and drove at the speed limit. In substance, § 87(2)(b) stated that § 87(2)(b) did not do anything to provoke the stop (Board Review 10).

PO Ayoubi was interviewed at the CCRB on November 1, 2016. He explained that his assignment was to perform GLA Enforcement and Taxi/Livery Safety Checks. However, he could not elaborate on what these assignments consisted of and how they were carried out.

PO Ayoubi acknowledged stopping § 87(2)(b)'s car, which was stopped at a red light. He did not recall the interaction with the occupants of the car, any details about § 87(2)(b)'s vehicle, or whether § 87(2)(b) committed any traffic violation prior to being stopped. PO Ayoubi did not list the reason for the stop in his memo book though he noted it occurred (Board Review 11). PO Ayoubi added that § 87(2)(b) was "warned and admonished" but did not remember why. PO Ayoubi did not remember telling § 87(2)(b) that he was performing a "license check", that § 87(2)(b) "fit a certain description", or that he was "stopping everybody" (Board Review 12).

PO Joseph was interviewed at the CCRB on November 15, 2016. She stated that at the time of the incident, she worked an assignment involving GLA Enforcement and Taxi/Livery Safety Checks. However, she was uncertain of the duties associated with this assignment. PO Joseph also stated that proper paperwork should be prepared during GLA Enforcement and Taxi/Livery Safety Checks, and that documents were filled out during the stop of § 87(2)(b)'s vehicle (Board Review 13).

According to PO Joseph, PO Ayoubi observed § 87(2)(b) commit a traffic violation. PO Joseph did not observe the violation herself, did not know what the violation was, and did not list the violation in her memo book (Board Review 14). She approached § 87(2)(b)'s vehicle with PO Ayoubi, but did not participate in the conversation with the occupants of the car. She also did not hear the conversation between her partner and § 87(2)(b) and stated that she did

not hear PO Ayoubi specify the reason for the stop during the interaction. PO Joseph did not remember any details about the occupants of the vehicle or the vehicle itself. She did not see any visible defects on § 87(2)(b)'s car, and did not remember the circumstances of the stop.

As previously noted, searches for GLA Enforcement and Taxi/Livery Safety Check paperwork prepared PO Joseph and PO Ayoubi yielded negative results (Board Review 08). A search of the New York State Department of Motor Vehicle database indicated that § 87(2)(b) does not possess a Class A, B, C, or E driver's license that is required to operate a taxi or livery vehicle (Board Review 15).

§ 87(2)(g)

§ 87(2)(g)

Squad: 7

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date